

**REMARKS/ARGUMENTS**

Claims 1-2 and 4-21 are pending in this application. Claim 3 has been cancelled without prejudice or disclaimer therein. Claims 1, 11 and 15 are amended. Support for the amendment is found in the specification. No new matter is added.

In view of the above amendments and following remarks, Applicant respectfully requests reconsideration of the application.

**PATENTABLE SUBJECT MATTER**

The Office Action rejects claims 1, 3, 6-7 and 10 under 35 U.S.C. 102(b) over Beatenbough (U.S. Patent No. 5,778,689). The rejection of claim 3 is moot in view of its cancellation, however, Applicant respectfully traverses the rejection of the remaining claims.

Applicant's independent claim 1 recites an apparatus for controlling supplemental heat in a refrigerator or freezer comprising a heating unit disposed to heat a door seal mating surface of the refrigerator or freezer body, a sensor assembly unit, a switching unit that switches the heating unit on and/or off, a control unit that control the switching unit in response to the sensor assembly unit, wherein the heating unit is operated to control buildup of moisture condensation on the mating surface of the refrigerator or freezer body.

Applicant's independent claim 11 recites a method of controlling supplemental heat in a refrigeration or freezer comprising reading a temperature measurement of a first cabinet surface of a refrigeration or freezer body, reading a first ambient temperature measurement, reading an ambient relative humidity, measuring a calculated dew point reading, making a first determination of whether the cabinet surface temperature measurement is at a first acceptable level relative to the calculated dew point measurement and supplying supplemental heat if the

first determination is not at the first acceptable level to control buildup of moisture condensation on a door seal mating first cabinet surface.

Beatenbough is directed to heating system for maintaining frost or fog-free operation of refrigeration doors. Specifically, the doors of Beatenbough are made of glass and the mechanism devised by Beatenbough removes condensation from the glass faces of the doors. Electrical resistance wires 18 disposed within the door frames 16 and the door jam 12. See FIG. 2. The resistance wires are separated from the refrigerator/freezer body by an L-shaped insulator, therefore, there is no mechanism in Beatenbough for moisture condensation control on the cabinet surface. See FIG. 2.

In fact, Beatenbough is solely concerned with fog-free or frost-free glass panes 14 and 14' and, therefore, there is no discussion or suggestion in Beatenbough regarding the cabinet surfaces or features described in Applicant's claimed invention.

Claims 6-7 and 10 depend from claim 1. Accordingly, for at least the above reasons, Applicant respectfully requests the withdrawal of this rejection.

The Office Action rejects claims 2 and 11-21 under 35 U.S.C. §103(a) over Beatenbough in view Hochheiser (U.S. Patent No. 4,260,876). This rejection is respectfully traversed.

Hochheiser is similar to Beatenbough in that Hochheiser describes an automatic control circuit for controlling current to thin film heaters on the transparent windows of a refrigeration device. The control circuit (seen in FIG. 4) utilizes alternating current and dew point sensing means to control buildup of moisture on the doors 12, 14. The outer pane 16 of the door 14 has an electrically conductive metallic coating coated on its inside facing surface. See col. 3, lines 67- col. 4, line 13, for example. Hochheiser utilizes a sensing element 70 which can accurately provide the temperature of the mullion 26. See FIGS. 1-3 and col. 4, lines 46-50, for example.

As is apparent from the description in Hochheiser regarding the specifics of the control circuitry 56, Hochheiser is directed to the same problem described in Beatenbough regarding fog-free or frost-free operation of glass doors. Accordingly, Hochheiser contains no discussion or suggestion relating to the subject matter lacking in Beatenbough, as described above. Accordingly, Beatenbough and Hochheiser, individually or in combination, do not disclose or suggest all the claimed features of Applicant's invention.

Claim 2 depends from claim 1; claims 12-14 depend from claim 11; and claims 16-21 depend from claim 15. Therefore, for at the least the above reasons, Applicant respectfully requests the withdrawal of this rejection.

The Office Action rejects claims 4-5 under 35 U.S.C. §103(a) over Beatenbough in view of Official Notice. This rejection is respectfully traversed.

Notwithstanding the Office Action's Official Notice, claims 4 and 5 depend from independent claim 1. Since the Official Notice does not address the subject matter lacking in Beatenbough, as discussed above, the Official Notice does not cure the deficiency of Beatenbough. Accordingly, Applicant respectfully submits that Beatenbough and Office Notice, individually or in combination, do not disclose or suggest the features of Applicant's independent claim 1. Since claims 4-5 depend from claim 1, Applicant respectfully requests withdrawal of this rejection.

The Office Action rejects claims 8-9 under 35 U.S.C. § 103(a) over Beatenbough in view of Ibrahim (U.S. Patent No. 4,389,856). This rejection is respectfully traversed.

Ibrahim is offered solely for the use of an electromechanical valve 84 for conveying heated gases to reduce moisture buildup on glass faced doors. FIG. 11 illustrates a refrigerated display cabinet having primary air conduit 346 and secondary air conduit 356. The air is

circulated into the open environment via grilles 364 and 350. Inlet 366 is utilized to capture the circulated heated air B and A. See col. 11, lines 63- col. 12, 46, for example. Thus, Ibrahim attempts to reduce moisture by passing a stream of heated air across the glass doors of a refrigerated cabinet and is limited to that convention. Accordingly, Ibrahim does not supply the subject matter lacking in Beatenbrough, as discussed above. Thus, Beatenbough and Ibrahim, individually or in combination, do not disclose or suggest all the claimed features of Applicant's invention. Claims 8-9 depend from claim 1. Therefore, for at least the above reasons, Applicant respectfully requests withdrawal of this rejection.

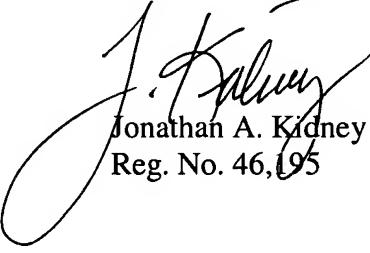
## CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the application is in condition for allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1556 in an effort to resolve any matter still outstanding before issuing another action.

In the event this paper is not time filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87334.6040.

Respectfully submitted,

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